

# **BROADBAND DEPLOYMENT COUNCIL**

## **MEETING MINUTES**

**NOVEMBER 17, 2010 9:00 A.M.**

The Broadband Deployment Council met at 9:00 a.m., November 17, 2010, at the West Virginia Department of Commerce in Building 6, 6<sup>th</sup> Floor, Conference Room 6A, Charleston, West Virginia.

The following members were present:

Kelley Goes, Chair  
Lee Fisher  
Dr. Jan Fox  
Mike Friloux  
Jimmy Gianato  
Michael Kelemen  
Erica Mani

The following members were absent:

Ken Arndt  
Kyle Schafer  
Tony Sereda

The following member participated by teleconference:

Elaine Harris

Others present:

Vicki Allen, WV Department of Education  
Mitch Carmichael, Frontier  
Jonathan Caldwell, Higher Education Policy Commission, via phone  
Scott Cosco, Frontier  
John D. Dunlap, Office of Technology  
Eric Eyre, Gazette  
Greg Florence, Ntelos  
David Grigsby, Clay Roane PSD  
George Hohman, Daily Mail  
Michael Hohn, Geological and Economic Survey  
Mark Holmes, Kimball  
Kevin Lazor, Kimball  
Jim Martin, Citynet  
Paul Miller, WV Budget and Policy Board  
Judge Dan O'Hanlon, Higher Education Policy Commission  
Raul Recarey, WV Health Information Network  
Greg Skinner, Attorney General's Office  
Mike Todorovich, National Guard  
Phil Weikle, Fenwick Technologies

The meeting was called to order by Kelley Goes at 9:10 a.m. The chair reported that notice of the meeting had been lawfully given, a quorum was present, and the meeting was convened.

A motion was made by Mr. Michael Kelemen to approve the minutes of the Council meeting held on September 15, 2010. The motion was seconded by Mr. Mike Friloux and unanimously carried.

Next, Chair Goes welcomed guests and made introductions.

Chair Goes stated that by statute, the Governor or his designee is a member of the Council and that Erica Mani will represent Governor Tomblin. Also, by statute, the secretary of commerce chairs the council and has the authority to appoint one of the other council members to serve as vice chair. In the absence of the chair, the vice chair serves as chair. Chair Goes appointed Ms. Mani as vice chair.

She also introduced Judge Dan O'Hanlon. Judge O'Hanlon provided a brief summary of his history in working with technology. He is currently serving on the Higher Education Policy Commission, Distance Learning Program.

At the request of the Council, Greg Skinner, Attorney General's Office, was in attendance. The Attorney General's office has been asked to provide an interpretation of the Council's role as it pertains to the powers and responsibilities as defined in legislation (§31-15C-3), and to comment on the Council's role in addressing questions with the state's NTIA broadband grant. Mr. Skinner requested, in order to expedite his research, that the Council narrow their issues/questions. Questions will be forwarded to the Chair (e-mail later sent to Council requesting questions be forwarded to Andrea Rayl) and she will submit to Mr. Skinner. Mr. Skinner's contact information is as follows:

Telephone: 304.558.2021  
E-Mail: greg.skinner@wvago.gov

## **Reports**

Chair Goes noted that the Broadband Definition Subcommittee met via conference call on November 5, 2010, to examine priorities within the Tier I, Tier II, and Tier III locations through the state based on broadband coverage. Mike Friloux explained that in order for the Broadband Deployment Council (BDC) to have the opportunity to look at areas to assess both priorities, options, and direction for potential pilot analysis, Kimball was requested to provide data associated with the Tier III locations, geographic details, and any other information that would help Kimball and the BDC begin to examine priorities within the Tier III designation. The subcommittee also requested to see a breakdown by county that would help define and address deployment issues within that area. The subcommittee is strictly an advisory committee and not designed to make decisions.

Mike Friloux stated that he had been approached by another provider requesting to know if there will be deployment of broadband to state agencies, if they already have it.

Mike Todorovich replied that they are still in the environmental assessment stage, however, if there is no fiber, yes, if already fiber, will be looked at on a case to case basis. (Will cover this issue during presentation in December.)

Chair Goes reiterated that they are still in the Environmental Assessment phase and therefore cannot move forward. Should have additional progress to discuss at the December meeting. The website has been updated. Mike Todorovich has been fielding questions.

Kevin Lazor and Mark Holmes, L.R. Kimball, provided a mapping presentation which included:

- Summary update
- Results/findings
- County samples
- Considerations/next steps

(The presentation has been posted on the recovery.wv.gov website. Footnotes have been added for clarification.)

<http://www.recovery.wv.gov/programs/Pages/program.aspx?category=broadband>

The Chair announced a second grant was received through the Geological and Economic Survey for mapping.

Jim Martin, Citynet, requested an opportunity to present at the December Broadband Council meeting.

Mr. Friloux requested to know the correct procedure and timeline in requesting monies from the Legislature. Chair Goes noted that the Broadband Council was fashioned after the Infrastructure Committee and items such as identifying funding streams should be determined before making a case to the Legislature. A presentation would need to be very organized making funding a priority.

The Higher Education Policy Commission provided their annual report per statute, and copies were made available to the Council.

Elaine Harris asked if citizens asking for broadband have one form to complete and suggested that a request for broadband needs to be standardized.

Chair Goes excused herself due to another meeting and turned the meeting over to Vice Chair Erica Mani at 10:50 a.m.

Dr. Jan Fox offered to provide a permanent Broadband Council meeting link.

### **New Business**

Chair Goes requested that Mike Todorovich provide a presentation on the grant status--how things are moving, where we are, etc., at the December meeting.

A motion was made by Lee Fisher that Citynet and Frontier be given 20 minutes each to present at the December 15, 2010, Broadband Council meeting. The motion was seconded by Mike Friloux.

It was noted that other entities wishing to present would be entertained at future meetings.

Without further discussion, the motion was unanimous.

**Public Comment**

Paul Miller, Center on Budget and Policy, stated that general revenue currently has a \$95.6 million surplus as of the end of October that could possibly benefit the BDC.

It was also noted that the State has a deficit.

**Adjournment**

Members were reminded that the next Council meeting would be held on December 15 at 9:00 a.m. With no further business, the meeting adjourned at 11:00 a.m.